

## **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-9 in the application. The Applicants have not amended, canceled or added any claims. Accordingly, Claims 1-9 are currently pending in the application.

### **I. Formal Matters**

The first paragraph of the application has been amended to include the U.S. Patent Application Serial No. of a related application.

### **II. Rejection of Claims 1-9 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,289,151 to Kazarinov, *et al.* in view of U.S. Patent No. 6,385,353 to Boyne, *et al.* The Applicants respectfully disagree.

Kazarinov is directed to an all-pass optical filter and reducing dispersion of optical pulses passing therethrough. (*See* column 3, lines 8-10.) The Examiner cites Kazarinov to teach a continuously variable optical delay line. (*See* point 3 on page 2 of the Office Action.) The Examiner, however, does not assert that Kazarinov teaches or suggests a continuously variable optical delay line that provides a continuous delay from a range of delays **substantially encompassing a delay increment in an incremental delay line** as recited in independent Claim 1. Additionally, the Applicants do not find where Kazarinov teaches or suggests such a continuously variable delay line that provides a continuous delay substantially encompassing a delay increment as recited in Claim 1. Thus, even though Kazarinov may disclose a continuously variable optical delay

line, Kazarinov does not teach or suggest a continuously variable optical delay line that provides a range of delays substantially encompassing a delay increment in an incremental delay line.

Boyne has not been cited to cure the above deficiency of Kazarinov. Instead, Boyne has been cited to teach optical delay lines having different path regions of parallel paths and curve paths. (*See* point 3 on page 2 of the Office Action.) Additionally, the Applicants do not find where Boyne teaches or suggests a continuously variable optical delay line that provides a continuous delay from a range of delays substantially encompassing a delay increment in an incremental delay line as recited in independent Claim 1. Instead, Boyne is directed to an electrically tuneable optical filter. (*See* column 1, lines 4-7.)

Thus, the cited combination of Kazarinov and Boyne, individually or in combination, fails to teach or suggest a continuously variable optical delay line that provides a continuous delay from a range of delays substantially encompassing a delay increment in an incremental delay line as recited in independent Claim 1. The cited combination of Kazarinov and Boyne, therefore, fails to provide a *prima facie* case of obviousness of Claim 1 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner withdraw the §103(a) rejection of Claims 1-9 and allow issuance thereof.

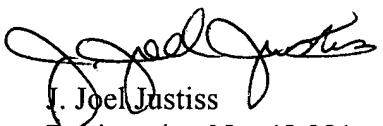
### **III. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-9.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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